



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant: James B. Copelan

Serial No.: 09/729,888

Group Art Unit: 3764

Filed: December 4, 2000

Examiner: Michael A. Brown

Att. Docket No.: C1123/20008

For: A PRE-SURGICAL SAFETY, WARNING NOTIFICATION AND/OR SAFETY DEVICE

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I am the President of COLBY MANUFACTURING CORPORATION, the assignee of the above-captioned patent application;
2. I am a named true co-inventor in the above-captioned patent application;
3. On information and belief there was no market in the field of wrong site surgery prevention for labels indicating an unintended site for surgery at the time of the filing of the above-captioned application;
4. On information and belief, since the time of the filing of the above-captioned application, sales of labels indicating the unintended site for surgery have obtained a substantial share of the market in the field of wrong site surgery prevention, thereby indicating that such labels were well received by the market;
5. I am aware of no teachings suggesting the use of labels indicating an unintended site prior to the above-captioned invention; and
6. All of the references I am aware of at the time of the filing of the above-captioned application indicated that wrong site surgery prevention labels should point to the intended site for surgery.

I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: 8/12/05

J. Aaron Heintz
J. Aaron Heintz